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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/667,194	09/16/2003	Chris Stolte	11311-005-999	7148	
24341 7590 06/12/2007 MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL			EXAMINER		
			FILIPCZYK, MARCIN R		
	PALO ALTO, CA 94306		ART UNIT	PAPER NUMBER	
			2163		
		•			
		•	MAIL DATE	DELIVERY MODE	
			06/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	_
10/667,194	STOLTE ET AL.	
Examiner	Art Unit	
Marc R. Filipczyk	2163	

·	Marc R. Filipczyk	2163				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence address				
THE REPLY FILED <u>18 May 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.						
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:						
a) The period for reply expires 4 months from the mailing date of the final rejection.  b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL						
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS						
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because  (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);						
<ul> <li>(c) ☐ They are not deemed to place the application in bet appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a</li> </ul>						
NOTE: See Continuation Sheet. (See 37 CFR 1.1						
<ul> <li>4.  The amendments are not in compliance with 37 CFR 1.1.</li> <li>5.  Applicant's reply has overcome the following rejection(s)</li> <li>6.  Newly proposed or amended claim(s) would be all</li> </ul>	21. See attached Notice of Non-Co					
non-allowable claim(s).	iowabie ii subiliitteu iii a separate,	timely med amendment deficering the				
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:		Il be entered and an explanation of				
AFFIDAVIT OR OTHER EVIDENCE						
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>						
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe	al and/or appellant fails to provide a				
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER						
11.   The request for reconsideration has been considered but	it does NOT place the application i	n condition for allowance because:				
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)						
DON WONG SUPERVISORY PATENT EXAMINER						
	NO CON CENTED 0100					

TECHNOLOGY CENTER 2100

## **Continuation Sheet (PTO-303)**

Application No. 10/667,194

Continuation of 3. NOTE: The proposed amendment of "associating a first level from said plurality of levels with a first axis... said first axis and said second axis have different orientations" would require further consideration and/or search.